

United States Courts
Southern District of Texas
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JUL 29 2022

Nathan Ochsner, Clerk of Court

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ALETA RENEE CHAPMAN,

Civil Action No. 4:21-cv-03711

Plaintiff,

vs.

NEWREZ, LLC, f/k/a New Penn Financial, LLC d/b/a
Shellpoint Mortgage Servicing; U.S. BANK TRUST,
NATIONAL ASSOCIATION, solely as Owner Trustee for RCF 2
Acquisition Trust; BANK OF AMERICA, N.A., successor
in interest to Countrywide Bank, a division of Treasury
Bank, N.A.; SELENE FINANCE, and UNKNOWN PARTIES
IN INTEREST 1-10,

Defendants.
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FIRST AMENDED PETITION FOR DAMAGES AND DEMAND FOR JURY TRIAL

COMES NOW, Plaintiff, ALETA RENEE CHAPMAN (hereinafter referred to as "Plaintiff"), who, via *Pro Se* submission files this First Amended Petition for Damages and Demand for Jury Trial against Defendants NEWREZ, LLC ("Newrez"); U.S. BANK TRUST, NATIONAL ASSOCIATION, solely as Owner Trustee for RCF 2 Acquisition Trust ("US Bank"); BANK OF AMERICA, N.A., successor in interest to Countrywide Bank, a division of Treasury Bank, N.A. ("BOA"); SELENE FINANCE ("Selene"); and UNKNOWN PARTIES IN INTEREST 1-10 (collectively referred to as "Defendants"), and in support thereof, states the following:

PARTIES

1. Plaintiff is *sui juris* before this Court and at all times material, was a resident of the State of Texas.
2. Plaintiff is the owner of the real property located at 16118 Chamomile Ct., Houston, TX 77083 (hereinafter referred to as the “subject property”).
3. Defendant Newrez is a national banking association, whom upon information and belief, is licensed to conduct everyday business in the State of Texas. Newrez acts as a mortgage loan servicer and purported to be the current mortgage servicer and mortgagee of Plaintiff’s mortgage loan made subject of this suit.
4. Defendant US Bank is a national banking association, whom upon information and belief, is licensed to conduct everyday business in the State of Texas. US Bank is sued herein solely as Owner Trustee for RCF 2 Acquisition Trust.
5. Defendant BOA is a national banking association, whom upon information and belief, is licensed to conduct everyday business in the State of Texas. BOA
6. Defendant Selene a national banking association, whom upon information and belief, is licensed to conduct everyday business in the State of Texas. Selene purports to be the current mortgage servicer and mortgagee of Plaintiff’s mortgage loan made subject of this suit.
7. Defendants Unknown Parties in Interest 1-10 are unknown to Plaintiff at this time. Upon Plaintiff’s information and belief, other parties claim an interest in or through the subject property. Plaintiff reserves the right to add these additional parties and name them accordingly as party defendants if and when their true identities become known to Plaintiff.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action under 28 U.S.C. § because.
9. Venue is proper in this court since a significant amount of the events, the property which is the subject of this suit, and conduct complained of herein occurred in this District and is invoked pursuant to 28 U.S.C. §1391(b)(2).
10. All conditions precedent to the filing of this action have occurred, accrued, or have been waived as a matter of law.
11. All actions taken by the Defendants' employees as alleged in this complaint were done within the scope of their official duties and under the color of law.

FACTUAL ALLEGATIONS RELEVANT TO ALL CLAIMS

12. Plaintiff purchased and is the owner of the real property and improvements commonly known as 16118 Chamomile Ct, Houston, Texas 77083, and legally described as: THIRTY-FOUR (34) IN BLOCK FOUR (4), OF EAGLEWOOD, SECTION FIVE (5), SUBDIVISION IN FORT BEND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER SLIDE NO(S) 2262/A 2262/B, OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS ("subject property").
13. At all relevant and material times hereto, Plaintiff had an interest in and of the subject property.
14. On or about July 26, 2002, Plaintiff purchased the subject property, with deed of trust to the lender, Fieldstone Mortgage Company, instrument number 2002088802, in Fort Bend County. *See attached Deed of Trust attached hereto as "Exhibit A."*